

## **IC 15-3-7**

### **Chapter 7. Organization of Horticultural and Quarantine Districts**

#### **IC 15-3-7-1**

##### **Authority to organize; purposes**

Sec. 1. Horticultural and quarantine districts, to be administered by voluntary associations and their duly elected officers, may be organized under the provisions of this chapter, for any or all of the following purposes:

First. To prevent the spread of contagious diseases among fruit, fruit trees and fruit-bearing plants;

Second. To provide for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruit, fruit trees and fruit-bearing plants;

Third. To provide for the purchase and maintenance of spraying machines, wagons or other necessary apparatus to adequately spray fruit trees or other fruit-bearing plants, and to hire workers and teams to perform the required labor, and to incur the necessary expense to carry out the purposes of this chapter;

Fourth. To hire experts to inspect the fruit trees and fruit-bearing plants found within such horticultural and quarantine district and to prescribe the proper methods of treatment of any diseases of such trees or plants which may be found to exist.

*(Formerly: Acts 1915, c.135, s.1; Acts 1975, P.L.34, SEC.12.)*

#### **IC 15-3-7-2**

##### **Organizers; articles of association; contents; amendment**

Sec. 2. Any number of persons, not less than ten (10), who may be the owners of the land constituting any contiguous area, upon which lands are situated orchards or fruit trees or other fruit-bearing plants, may voluntarily associate themselves together for the purpose of organizing a horticultural and quarantine district. The articles of association shall be in writing and shall be signed and acknowledged by each person who desires to become a member of such organization. The articles of association shall specify:

First. The corporate name of such association;

Second. The objects of such association, generally;

Third. The name and residence of each incorporating member;

Fourth. The term of existence of such association, which, in no case, shall exceed ten (10) years;

Fifth. The number of directors who shall manage the affairs of the association.

Such association shall have no capital stock. The articles of association may be amended at any time such action may be deemed advisable, by supplementary and amended articles, signed and acknowledged by a majority of the members of the association at the time of such amendment, and recorded in the same manner as the original article.

*(Formerly: Acts 1915, c.135, s.2.)*

### **IC 15-3-7-3**

#### **Notice of election of directors**

Sec. 3. Three (3) or more members of the association may give notice that, at a time specified, and at a convenient place named within or near the proposed horticultural and quarantine district, an election will be held for the purpose of choosing directors of the association to administer the affairs of the horticultural and quarantine district. The notice may be published in one (1) newspaper in the county and of general circulation among the members of the association or such notice may be delivered in person.

*(Formerly: Acts 1915, c.135, s.3.) As amended by Acts 1977, P.L.2, SEC.52.*

### **IC 15-3-7-4**

#### **Directors; election; term**

Sec. 4. On the day and hour and at the place specified in the notices, and if a majority of the members of the association shall be present, such members shall proceed to elect, by ballot, three (3) of their number as directors of the association, and such directors shall determine, by lot, immediately, the terms of their office, which shall be respectively one (1), two (2), and three (3) years, and they shall serve until their successors are elected and qualified. Annually thereafter, the directors shall call a meeting of the members of the association, in the manner provided in section 3 of this chapter, and such members shall meet at the time and place fixed by the directors and elect one (1) director who shall hold his office for a term of three (3) years.

*(Formerly: Acts 1915, c.135, s.4.) As amended by P.L.183-1983, SEC.78.*

### **IC 15-3-7-5**

#### **Directors; vacancy**

Sec. 5. If a vacancy occurs in the office of directors, the remaining directors shall fill the vacancy by a pro tem. appointment from among the members of the association, which appointment shall continue until the next annual election.

*(Formerly: Acts 1915, c.135, s.5.)*

### **IC 15-3-7-6**

#### **Filing articles; corporate nature and powers; assessment; by-laws**

Sec. 6. The association shall, either before or after the election of directors, cause their articles of association to be filed in the office of the secretary of state and shall also cause to be recorded in the recorder's office of each county in which any part of the proposed horticultural and quarantine district may be situated a duplicate copy of such articles of association, and thereafter such association shall be a body politic and corporate, by the name and style so adopted, and shall have and possess all the rights, powers and privileges given to corporations, to sue and be sued, plead and be pleaded, answer and

be answered, in any court of competent jurisdiction, borrow money and levy assessments upon the owners of the lands, orchards and trees and other fruit-bearing plants situated therein, as hereinafter provided, and to rent, lease, purchase, hold, sell and convey such personal property as may be necessary and proper for the purposes and objects of the corporation. A majority of the members of such association shall have the power to adopt by-laws for the government of such horticultural and quarantine district and make such rules as may be necessary to carry the same into force and effect.  
(Formerly: Acts 1915, c.135, s.6.)

#### **IC 15-3-7-7**

##### **Boundaries; annexation; maximum size; consolidation**

Sec. 7. The boundary of such horticultural and quarantine district shall coincide with a line inclosing the lands owned by the members of the association. Any person who is the owner of lands contiguous to such horticultural and quarantine districts shall be entitled, at any time, to become a member of the association by signing the articles of association. Horticultural and quarantine districts may be increased in size progressively by the annexation of contiguous territory in the manner prescribed in this section, but no such horticultural or quarantine district shall contain in excess of twenty (20) square miles of territory. Contiguous horticultural and quarantine districts may be consolidated if the combined area of the consolidating districts does not exceed twenty (20) square miles. The question of consolidation may be submitted to the members of the respective associations at a joint meeting called for that purpose and if a majority of those entitled to vote shall be in favor of such consolidation, a new district comprising such districts so consolidated shall be formed and the proper papers and documents shall be filed as prescribed in section 6 of this chapter. Directors of the new district may be chosen at the meeting called to determine the question of consolidation or at any subsequent meeting.  
(Formerly: Acts 1915, c.135, s.7.) As amended by P.L.183-1983, SEC.79.

#### **IC 15-3-7-8**

##### **Voting rights**

Sec. 8. All persons who have signed the articles of association and have paid the assessments levied against them, from time to time, shall be entitled to vote at any meeting of the members of the association on any and all questions which may lawfully come before such association, and each member shall be entitled to one (1) vote on any and all questions.  
(Formerly: Acts 1915, c.135, s.8.)

#### **IC 15-3-7-9**

##### **President; secretary**

Sec. 9. The directors shall elect one (1) of their number president and one (1) secretary. The secretary shall likewise be treasurer of the

association and shall have custody of all the money of the association. He shall be required to execute a bond, with good freehold surety, for double the amount of money which will probably come into his hands at any time during his term of office. The secretary shall keep a record of the transactions of the association, including brief minutes of all meetings, the results of the various elections, an itemized account of all receipts and expenditures, and such secretary shall present a report of all such transactions to the members of the association at their annual meeting.  
(Formerly: Acts 1915, c.135, s.9.)

#### **IC 15-3-7-10**

##### **Withdrawals from treasury**

Sec. 10. No money shall be drawn from the treasury of such association except upon the order of a majority of the board of directors, and all warrants drawn shall be signed by the president of the board of directors and attested by the treasurer.  
(Formerly: Acts 1915, c.135, s.10.)

#### **IC 15-3-7-11**

##### **Special meetings; quorum**

Sec. 11. A majority of the board of directors, or any five (5) members of the association, may call a special meeting of the members of the association at any time. A majority of the members shall constitute a quorum to transact ordinary business not required by law to be transacted at the regular meeting prescribed by law.  
(Formerly: Acts 1915, c.135, s.11.)

#### **IC 15-3-7-12**

##### **Administration by directors; purposes; hiring experts**

Sec. 12. The board of directors of any association shall administer the affairs of such association under the provisions of this chapter, for any or all of the following purposes:

First. To prevent the spread of contagious diseases among fruit, fruit trees and fruit-bearing plants.

Second. To provide for the prevention, treatment, cure and extirpation of fruit pests and diseases of fruit and fruit-bearing plants.

Third. To provide for the purchase and maintenance of spraying machines, wagons or other necessary apparatus, to adequately spray fruit trees or other fruit-bearing plants, and to hire workers and teams to perform the required labor, and to incur the necessary expense to carry out the purposes of this chapter.

Fourth. To hire experts to inspect fruit trees and fruit-bearing plants found within such horticultural and quarantine district and to prescribe the proper methods of treatment of any disease of such trees or plants which may be found to exist.

Fifth. To levy such assessments on the members from time to time as may carry out the provisions of this chapter and the purposes of such association.

Sixth. To actively cooperate with the state entomologist and the

county agents in precautionary measures to prevent the spread of injurious insects and plant diseases within the district.

Seventh. To advise, direct and encourage the activities of the association.

The board of directors of any association may hire experts to inspect fruit trees and fruit-bearing plants, and to prescribe the proper methods of treatment of any diseases of such trees or plants which may be found to exist, if directed to do so by the majority vote of the members, taken at any special or regular meeting.

*(Formerly: Acts 1915, c.135, s.12; Acts 1975, P.L.34, SEC.13.)*

### **IC 15-3-7-13**

#### **State entomologist; cooperation**

Sec. 13. The state entomologist shall cooperate with any horticultural or quarantine association in the state in any efforts to prevent, locate, check or eradicate any injurious insects or fruit disease. He shall, from time to time, or upon request, send all available information relating to injurious insects and plant diseases, with the methods of detecting the same and the modes of treatment, to the board of directors of any horticultural or quarantine association.

*(Formerly: Acts 1915, c.135, s.13.)*

### **IC 15-3-7-14**

#### **County agricultural extension educator ex officio deputy state entomologist; cooperation**

Sec. 14. In counties having a county agricultural extension educator, the county agricultural extension educator shall be ex officio deputy state entomologist for such county; he shall be authorized and required to carry out the instructions of the state entomologist; and shall, under the direction of the state entomologist, cooperate with any local horticultural association or society in any efforts to prevent, locate, check, or eradicate any injurious insects or fruit diseases. He shall receive no additional compensation for the performance of such duties.

*(Formerly: Acts 1915, c.135, s.14.) As amended by P.L.40-1993, SEC.20.*

### **IC 15-3-7-15**

#### **Assessments for expenses**

Sec. 15. For the purpose of raising money necessary to meet the expenses of horticultural and quarantine associations, the board of directors shall assess the individual members of the association in proportion to the service derived, procured or otherwise obtained from such association, on the basis of the acreage or number of trees, plants, vines or other herbaceous plants, in such equitable proportion as such aforesaid directors may deem just.

*(Formerly: Acts 1915, c.135, s.15.)*